



STATE OF ARIZONA

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May 4, 2006

The Honorable Ken Bennett
President
Arizona State Senate
1700 West Washington Street
Senate Office Building
Phoenix, Arizona 85007

Re: Senate Bill 1072: civil liability; presumptions; police tools


Dear President Bennett:

Today I signed into law Senate Bill 1072, related to civil liability presumptions afforded to crime victims, police officers and the manufacturers of police tools.

I did so despite a drafting error in the bill that renders it susceptible to a broader interpretation than the proponents of this bill intended. As currently drafted, the presumption of reasonableness for the use of force is granted to victims (and to police officers and their employers) seeking to apprehend or prevent the escape of any felon, regardless of whether the crimes committed were violent in nature. The use of force – expressly including lethal force – is not always presumptively reasonable when dealing with non-violent criminals, and the proponents of this bill have promised to seek its prompt amendment to make clear their intent that it apply only with respect to incidents involving violent criminals.

With this promise and understanding, I have signed Senate Bill 1072

Yours very truly,


Janet Napolitano
Governor

JN:TAN/jm

cc: Hon. Jim Weiers
Hon. Dean Martin